

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANDREW CORZO, SIA HENRY, ALEXANDER LEO-
GUERRA, MICHAEL MAERLENDER, BRANDON
PIYEVSKY, BENJAMIN SHUMATE, BRITTANY
TATIANA WEAVER, and CAMERON WILLIAMS,
individually and on behalf of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA INSTITUTE
OF TECHNOLOGY, UNIVERSITY OF CHICAGO,
THE TRUSTEES OF COLUMBIA UNIVERSITY IN
THE CITY OF NEW YORK, CORNELL
UNIVERSITY, TRUSTEES OF DARTMOUTH
COLLEGE, DUKE UNIVERSITY, EMORY
UNIVERSITY, GEORGETOWN UNIVERSITY, THE
JOHNS HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY, NORTHWESTERN
UNIVERSITY, UNIVERSITY OF NOTRE DAME DU
LAC, THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY, and
YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Hon. Matthew F. Kennelly

**PLAINTIFFS' MOTION TO UNSEAL THE DECLARATION OF
TED TATOS (ECF 611-04)**

Plaintiffs move this Court to unseal in its entirety the Declaration of Ted Tatos (ECF 611-04), previously filed provisionally under seal as Exhibit D to "Plaintiffs' Status Report in Response to The Court's Order (ECF 602) Related to Their Motion to Compel Regarding Non-Objecting Students (ECF 540) and Sealed Response Re Objections of 37 Donor Related Students

(ECF 561)” (ECF 611), and subsequently filed with substantial redactions by Defendants in a “public version” of ECF 611. The Declaration of Ted Tatos is included herewith as Exhibit 1 to this Motion. The bases for the instant Motion are that the Declaration of Ted Tatos is not confidential, and good cause does not exist for it to remain under seal. In addition, Defendant the Trustees of the University of Pennsylvania (“Penn”) has agreed, and this Court has ordered, that Penn not oppose Plaintiffs’ request to unseal the Declaration of Ted Tatos.

On April 2, 2024, this Court entered “Consent Order Regarding Plaintiffs’ Motion to Challenge Certain Confidential and Attorneys’ Eyes Only Designations by Defendants Cornell, Georgetown, and Penn” (ECF 667) (“Consent Order”). The Consent Order is included herewith as Exhibit 2 to this Motion. The Consent Order was entered pursuant to an agreement reached between Plaintiffs and Penn. Penn agreed, and the Consent Order requires that Penn not oppose a request by Plaintiffs to unseal the Declaration of Ted Tatos (ECF 611-04). *See* Ex. 2, Consent Order (ECF 667), par. 5.

Legal Authority

“There is a strong presumption toward public disclosure of court files and documents... as the ‘public at large pays for the courts and therefore has an interest in what goes on at all stages of a judicial proceeding,’” *In re Bank One Sec. Litig.*, 222 F.R.D. 582, 585-586 (N.D. Ill. 2004) (internal citation omitted), *quoting* *Grove Fresh Distrib., Inc. v. Everfresh Juice Co.*, 24 F.3d 893, 897 (7th Cir. 1994). “Once a protective order requiring confidentiality is entered, a party must continue to show good cause for confidentiality when challenged...If a party does not show good cause to justify the ongoing concealment of the information, the protective order may be dissolved or modified to unseal the information.” *In re Bank One Sec. Litig.*, *supra*, at 586.

There is no “good cause to justify the ongoing concealment” of the Declaration of Ted Tatos because it is not confidential. Moreover, Penn has already agreed, and the Court has already ordered, that Penn will not oppose Plaintiffs’ request to unseal it. It follows that the Declaration of Ted Tatos should be unsealed in its entirety in the public record. A Proposed Order to Unseal will be separately submitted in the manner directed by this Court.

Dated: May 8, 2024

/s/ Robert D. Gilbert

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